



ATTORNEYS AT LAW



Robert Greene Sterne
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gen G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
John M. Covert
Robert C. Millonig
Donald J. Featherstone
Timothy J. Shea, Jr
Michael V. Messinger
Judith U. Kim
Patrick E. Garrett

Jeffrey T. Helvey
Eldora L. Ellison
Thomas C. Fiala
Donald R. Banowitz
Peter A. Jackman
Jeffrey S. Weaver
Brian J. Del Buono
Mark Fox Evans
Edward W. Yee
Vincent L. Capuano
Virgil Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes
Joseph S. Ostroff
Daniel A. Klein
Jason D. Eisenberg
Michael D. Specht

Tracy L. Muller
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Helena C. Carlson
Cynthia M. Bouchez
Timothy A. Doyle
Gaby L. Longsworth
Lori A. Gordon
Laura A. Vogel
Bryan S. Wade
Bashir M.S. Ali
Shannon A. Carroll
Anbar F. Khal
Michelle K. Holoubek
Marsha A. Rose
Young Tang

Christopher J. Walsh
W. Blake Coblenz*
James J. Pohl*
John T. Haran
Mark W. Rygiel
Kevin W. McCabe
Michael R. Malek*
Doyle A. Siever*
Ulrike Winkler*

Scott M. Woodhouse
Peter A. Socarras
Jeffrey K. Mills
Danielle L. Letting
Lori Brandes
Steven C. Oppenheimer

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

October 26, 2006

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1646

Re: U.S. Utility Patent Application
Application No. 10/648,786; Filed: August 27, 2003
For: **Death Domain Containing Receptor 4**
Inventors: *Ni et al.*
Our Ref: 1488.130000B/EJH/SAC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Requirement for Election of Species; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Shannon A. Carroll, Ph.D.
Attorney for Applicants
Registration No. 58,240

SAC/rjv
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ni *et al.*

Appl. No.: 10/648,786

Filed: August 27, 2003

For: **Death Domain Containing
Receptor 4**

Confirmation No.: 5264

Art Unit: 1646

Examiner: Kaufman, C.

Atty. Docket: 1488.130000B/EJH/SAC

Reply to Requirement For Election of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Election of Species Requirement dated September 26, 2006, Applicants hereby provisionally elect to prosecute the following species:

- (A) for the type of antibody: (i) agonist anti-DR4 antibody (claims 1-5, 8-30, 33-56 and 59-77 are readable thereon);
- (B) for the disease to be treated: (6) cancer (claims 26-50 and 75-77 are readable thereon);
- (C) for the second therapeutic agent: (vii) a chemotherapeutic agent (claims 1-19, 22, 24-44, 47, 49-68, 71 and 73-77 are readable thereon); and
- (D) for the chemotherapeutic agent: (f) a platinum analog (claims 1-19, 24, 26-44, 49, 51-68, 73 and 75-77 are readable thereon).

These elections are made without prejudice to or disclaimer of the other claims or inventions disclosed.

These elections are made **with traverse**.

Applicants respectfully submit that to search and examine the subject matter of the method of treating various diseases would not be a serious burden on the Examiner.

For example, a search for publications that disclose antibodies which bind Death Domain Containing Receptor-4 (DR4) for treating cancer would lead to publications that disclose antibodies which bind DR4 for treating other diseases. Accordingly, it would not be an undue burden for the Examiner to search all of the various diseases together.

Furthermore, Applicants respectfully submit that to search and examine the subject matter of second therapeutic agents would not be a serious burden on the Examiner. For example, a search for publications that disclose the use of a chemotherapeutic agent for treating disease would lead to publications that disclose the use of other therapeutic agents for treating disease. Accordingly, it would not be an undue burden for the Examiner to search all of the second therapeutic agents together.

Furthermore, Applicants respectfully submit that to search and examine the subject matter of various chemotherapeutic agents would not be a serious burden on the Examiner. For example, a search for publications that disclose the use of a platinum analog for treating disease would lead to publications that disclose the use of other chemotherapeutic agents for treating disease. Accordingly, it would not be an undue burden for the Examiner to search all of the chemotherapeutic agents together.

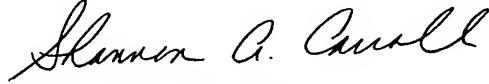
Finally, in accordance with 37 C.F.R. § 1.141(a), Applicants also reserve the right to claim additional species, and/or to have additional species searched and/or examined, in the event that a generic claim is found to be allowable.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any

fees required therefor are hereby authorized to be charged to our Deposit Account
No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Shannon A. Carroll, Ph.D.
Attorney for Applicants
Registration No. 58,240

Date: October 26, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
596498_1.DOC